

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4339 of 2019**

Arising Out of PS. Case No.-126 Year-2019 Thana- TAJPUR District- Samastipur

1. PRADHAN PANDEY Son of Krishan Mohan Pandey Resident of Village-Khairi, P.S.- Waini, O.P. District- Samastipur, Bihar.
2. Krishna Mohan Pandey Son of Ram Narayan Pandey Resident of Village-Khairi, P.S.-Waini, O.P. District-Samastipur, Bihar.
3. Malti Devi Wife of Krishna Mohan Pandey Resident of Village-Khairi, P.S.- Waini, O.P. District-Samastipur, Bihar.
4. Angad Mishra Son of Late Rajeshwar Mishra Resident of Village-Khairi, P.S.-Waini, O.P. District-Samastipur, Bihar.
5. Sandeep Pandey @ Sandeep Kumar Son of Late Sanjay Pandey Resident of Village-Khairi, P.S.-Waini, O.P. District-Samastipur, Bihar.

... .. Appellants

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. Vikramdeo Singh, Advocate

For the Respondent/s : Mr. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 19-12-2019 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

This appellants in this appeal are seeking to challenge the order dated 23.08.2019 passed by learned Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Samastipur in A.B.P. No. 1931 of 2019 arising out of Tajpur (Waini) P.S. Case No. 126 of 2019 registered for the offences punishable under Sections 147, 149, 323, 341 of the Indian Penal code and Sections 3(1), (r) (s) of the SC/ST (Prevention of Atrocities) Act whereby their prayer for anticipatory bail has



been rejected.

Learned counsel for the appellants submits that the present FIR has been lodged after three days of the alleged occurrence and the informant has concocted the story to implicate the appellants in a false case. During investigation it has come that the informant had left her home and the appellant no.1 was helping her husband and only to put pressure this case has been lodged. It is further submitted that there is no medical report to substantiate the allegation of beating by the appellants.

Learned Spl. P.P. has opposed the prayer for anticipatory bail of the appellants.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the appellants that the entire story as alleged by the informant is only false, concocted and baseless and even purposely made to implicate these appellants and further submission is that in course of investigation the witnesses have stated that the informant had gone for working in the house of the appellants and the allegation that there she was said to have been beaten is not supported as neither the I. O. found any injury on her body nor there is any medical report to suggest that the informant had got any beating from these appellants as also the submission that



she was taken on motorcycle three days prior is false as no complaint of her missing was lodged and that the witnesses have not stated that for three days the informant was missing, the FIR has been lodged alleging the occurrence three days back, in the nature of the submissions and the materials on the record and submission that there is no independent witness to support the allegations, the impugned order in so far as it relates to these appellants is hereby set aside.

Let the above named appellants in the event of their arrest or surrender within a period of four weeks from today be released on bail in connection with Tajpur (Waini) P.S. Case No. 126 of 2019 on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge SC/ST (POA) Act, Samastipur, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade



him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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